

terminal from contact with liquids, dust, grease, and falling objects by directing them away from the bank card terminal onto the separate vertical non-integral support surface independent of the bank card terminal, and defining at least one opening through which a terminal cord may be inserted and connected to the bank card terminal,

- Ab card -
- b. opening structure associated with the top of the bank card terminal and terminal cover to provide access to the bank card terminal keyboard and card reading slot in a first mode, and to close about and secure the bank card terminal in a second mode, and
  - c. a shock absorbing seal affixed to the edges of the cover sidewalls to seal with the vertical non-integral support surface.

#### Remarks

The Final Office Action dated 6/5/02 has been reviewed. The foregoing amendments are submitted to more particular point out applicant's invention and add no new subject matter. An additional Fig. 2e is submitted per the Examiner's requirements showing the invention of Fig. 2a mounted to a vertical support surface to protect a bank card terminal in accordance with the Examiner's requirement. No new material was added. The specification was accordingly amended to reference the new Fig. 2e.

The claims were amended to incorporate the grammatical changes required by the Examiner for consistency with the specification. Support for the amendments are found in the specification and the drawings. Attached are marked up copies of the changes made and unmarked clean copies of the corrected pages.

The rejection of Claims 1 through 8, as amended, on the grounds of obviousness under 35 USC 103(a) as being unpatentable over *Eppich* (US 4,084,214) is traversed. Claim 1 of applicant's invention is directed to a non-integral cover independent of and surrounding a bank card terminal. It is designed to contact and be supported by a non-integral support surface. Applicant's invention is a crush resistant cover with a closed top and extending sides defining an open bottom, which extends about and provides a barrier to protect bankcard terminals from falling objects, liquids, dust, and grease. The closed top and extended sides contact the non-integral support surface upon which the

pervious bankcard terminal is placed. These extended sides include at least one slot through which power cords or leads may pass. They also absorb and direct the force of objects accidentally dropped onto the crush resistant cover to the support surface. The invention provides a protective independent housing surrounding the bankcard terminal itself to protect it from contact damage, which insures that the electrical components of the bankcard terminal are not affected. No similar force diverting structure is found in *Eppich*.

Conversely, *Eppich* discloses a dust cover, which is preferably constructed of a polycarbonate material, which permits the component parts to be modularly interlocked with one another to effectively form a single housing unit (Col 11, lines 1-8). It thus has a dust cover, which is an integral part of its modular container into which the electronic components are sealed. One of its objectives is "to provide a rugged modular housing unit for protecting the electronic circuitry contained therein when the unit is utilized in a variety of different environments." Col. 2 lines 50-53. *Eppich* accomplishes this objective with a modular impervious housing container for electronic apparatuses, which does not necessarily require an external independent cover. *Eppich* is comprised of a closed bottom impervious container base with an open top into which various electronic components are inserted and interconnected. These components are sealed within the impervious container base and covered with a keyboard top. The keyboard top may be covered with a dust proof hinged top fitting within a groove along the top of the keyboard top. Therefore, *Eppich* discloses a modular case for electronic apparatus, which optionally discloses a hinged cover.

The *Eppich* dust cover does not shield the electronic device itself from objects dropped on it. The shock of objects dropped on the *Eppich* dust cover is directed upon the keyboard top, which receives the shocks. This can cause cracking or distortion of the bottom container, which may affect the electrical component alignment. Therefore, nothing in *Eppich* suggests its modification to provide a bankcard terminal forming an independent protective barrier shield to prevent blows from damaging the electrical components of the bank card terminal. Nor does *Eppich* direct liquids and dust away from the electronic device onto the non-integral support surface. Indeed, fluids are directed and may accumulate into the grooves of the keyboard top into which the *Eppich* dust cover fits. The rejection of Claim 1 is therefore improper and should be withdrawn.

Nor does the *Eppich* Fig. 16 hinged dust cover embodiment disclose applicant's hinged embodiment of Claim 2. The *Eppich* hinged dust cover is designed as an integral modular component of the *Eppich* case (Col 11, lines 1-8) directing shocks upon the modular container, not onto the non-integral support surface to protect the bank card terminal as does applicant's invention. Therefore, *Eppich* Fig. 16 does not suggest applicant's invention in the same manner, the same way, with the same components to be considered an equivalent embodiment. The rejections of Claim 2 should therefore be withdrawn.

As *Eppich* does not contain a handle affixed to the cover, which is supported by the non-integral support surface, it does not disclose applicant's embodiment of Claim 3, and this rejection should also be withdrawn.

Although *Eppich* suggests a transparent cover, it does not suggest a cover supported by the non-integral support surface. It therefore does not disclose applicant's embodiment of Claim 4, and the rejection should be withdrawn.

Nor does *Eppich* suggest a shock absorbing seal affixed to the open bottom of the cover side walls as it does not contact a non-integral support surface. It therefore does not disclose applicant's embodiment of Claim 5 and the rejection should be withdrawn.

As *Eppich* discloses a dust cover integral to the container holding a device's electronic components, it does not suggest the non-integral barrier container embodiments of Claim 6 and 7. The rejection of Claims 6 and 7 should therefore be withdrawn.

Nor does *Eppich* address the terminal cover embodiment of Claim 8 mounted on a vertical non-integral support surface independent of the bank card terminals and cover. To supply this deficiency, the Examiner has combined the Eckel et al, U.S. Patent No. 4,727,934 reference with *Eppich* even though nothing in the references themselves suggest combining them.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2D 488, 20 USPQ2D 1438 (Fed. Cir. 1991).” §2143 MPEP

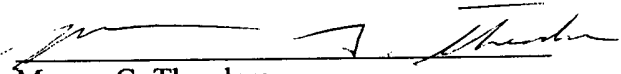
“Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ 2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)

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The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir.1990) §2143.01 MPEP

Without some suggestion in the references themselves to combine them in the manner suggested by the examiner, the combination was improper to reject the Claim 8 embodiment. Further, although the Eckel et al component container may be mounted to a wall, it does not direct the shock from blows to the case away onto a non-integral vertical support surface to prevent damage to the electrical components. Therefore, nothing Eppich or Eckel et al suggests applicant's invention of Claim 8, and the rejection should be withdrawn.

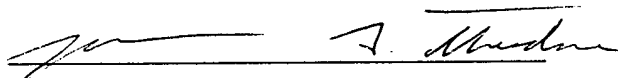
In summary, the *Eppich* disclosure does not suggest applicant's invention, which essentially provides a crush resistant, independent protective barrier surrounding a liquid and dust pervious bankcard terminal. Therefore, claims 1 through 8 should be passed for allowance. If additional amendments are required, a telephone conference with the Examiner is requested.

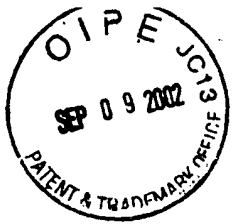
Dated this 2nd day of September 2002.

  
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-CERTIFICATE OF MAILING-  
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I certify that I mailed a true and correct copy of the Foregoing First Amendment to the Commissioner of Patents, Washington, D.C. 20231, postage prepaid, this 2nd day of September 2002.

A handwritten signature in dark ink, appearing to read "J. Hudson", is written over a horizontal line.



## BANK CARD TERMINAL COVER

### Related Applications

This application is a continuation-in-part application of the [continuation-in-part] application, Serial No. 09/131,352 filed 8/10/98, now abandoned; which is a continuation-in-part of the originally filed application entitled "Bank Card Terminal Cover", Serial No. 08/786,564, filed 01/17/97, now abandoned.

### Background of the Invention

Field. This invention relates to covers. More particularly, it provides a crush resistant cover for a bank card terminal processing machine.

State of the Art. Numerous retailers utilize bank card processing terminals to pay for item sales. These bank card processing terminals are fairly sensitive to environmental hazards. They have card slots leading into the interior of the bank card terminal electronic circuitry to electronically read the information on the magnetic strips of customer bank cards. This information is then transmitted via cables operably associated with telephone lines leading to a main computer processor. These bank card processing terminals also include a key pad below a display screen to alternatively manually input a customer's bank card data and the amount of the sale. Presently there is no good protective device to prevent accidental contact damage to or environmental exposure of the bank card terminal. For example, some bank card terminal processing machines have a transparent plastic key pad cover covering the keys. These do not prevent dust, grime, grease, liquids, and food from accumulating in the card slot reader, causing damage to the electronics. These transparent plastic key pads become brittle and opaque through age and do not prevent damage to the terminals if accidentally hit by an object. Therefore, usage of these bank card terminal machines is generally restricted to a retailer's indoor office areas.

Other soft flexible plastic covers are used to cover the bank card terminal to prevent dust, grime, grease, liquids, and food from causing damage to the electronics. However, these soft plastic covers do not prevent accidental crushing of the bank card terminals.

One device, *Eppich* discloses an impervious modular crush resistant container into which electronic components are sealed therein to provide a rugged modular housing unit for protecting the electronic circuitry contained therein. As a sealed container, *Eppich* is unsuited for use as a bank card terminal container, which requires exposure of the internal circuitry via a card slot to read the magnetic strips of bank cards inserted therein. *Eppich* also does not shield the

### Description of the Drawings

Fig. 1 illustrates a perspective view of one preferred embodiment of the invention.

Fig. 2 illustrates a rear view of the embodiment of the invention shown in Fig. 1.

Fig. 2a illustrates a top view of a preferred embodiment of the invention.

Fig. 2b illustrates a rear view of the embodiment of the invention shown in Fig. 2a.

Fig. 2c illustrates front view of the embodiment of the invention shown in Fig. 2a.

Fig. 2d illustrates a side view of the embodiment of the invention shown in Fig. 2a.

Fig. 2e illustrates a side view of the embodiment of the invention shown in Fig. 2a mounted on a vertical support surface.

Fig. 3 illustrates another preferred embodiment of the invention.

Fig. 4 illustrates another preferred embodiment of the invention.

Fig. 5 illustrates another preferred embodiment of the invention.

### Description of the Illustrated Embodiments

Fig. 1 illustrates the simplest embodiment of the invention 10 which comprises a transparent crush resistant terminal cover 12 with a top 14 and sides 16 defining an open bottom 18 structured and sized to fit over a bank card terminal processing machine. The cover 12 has hook and loop strips 17 attached to its underside, which adhere to corresponding hook and loop strips 17 attached to the top of the bank card terminal processing machine.

The cover 12 material is also resistant to liquids, dust, and grease. The sides 16 fit about and cover the bankcard terminal when placed over the terminal on a support surface. The sides 16 of the cover 12 contact the support surface to transfer the force from an accidental blow away from the bank card terminal and onto the support surface. The sides 16 have at least one opening 20 shown in Fig. 2 through which telephone terminal cords may be inserted and connected to the bank card terminal.

To use this embodiment, the cover 12 is simply placed over the bank card terminal when not in use. To utilize the bankcard terminal, the cover 12 is removed to access the bankcard slot and keyboard. If desired, a handle 22 may be included on the top 14 exterior of the cover 12 to aid in its removal to access the bank card terminal key pad and card slot.

The embodiment shown in Figs. 1 and 2 are blow molded in a single piece made of rigid transparent nylon or plastic to enable visual inspection of the terminal displays. Fig. 2a illustrates a top view of a preferred embodiment of the invention. The cover 12 is a single piece of transparent plastic with the handle 22 incorporated in the single piece design. The rear of the cover 12 has an opening 20 shown in Fig. 2b through which terminal cords are connected to the bank card terminal. The front 23 of the cover 12 is shown in Fig. 2c. The top side 16 defines another power cord opening 20 and has a top 23 which gradually slopes upward toward the rear opening 20 as shown in Fig. 2c and 2d. Fig. 2e illustrates a side view of the embodiment of the invention shown in Fig. 2a mounted on a vertical support surface.

Fig. 3 illustrates a cover 12 with hinges 24 which attach to a hinge mounting bar 26 attached to the top of the bank card terminal. It opens in a first mode to provide access to a



## Claims

I claim:

1. A bank card terminal cover for bank card terminals having exterior exposed card reading slots and keyboards pervious to liquids, grease, and dust, the terminal placed on a non-integral separate support surface independent of the bank card terminal and cover, said cover comprising: a rigid, crush resistant, liquid, dust, and grease impervious top with sidewalls defining an open bottom leading into an interior chamber sized to fit about and cover the bank card terminal placed on the non-integral separate support surface, said side walls extending sufficiently about the bank card terminal to contact the separate support surface to elevate the top and side walls of the cover above and around the bank card terminal to protect the bank card terminal from contact with liquids, dust, grease, and falling objects by directing them away from the bank card terminal onto the non-integral separate support surface, and defining at least one opening through which a terminal cord may be inserted and connected to the bank card terminal.
2. A bank card terminal cover according to Claim 1, wherein the top is openably mounted to the top of the bank card terminal to open in a first mode to provide access to a bank card terminal key pad and card reading slot, and to close in a second mode about the bank card terminal to prevent dust, grime, liquids, and other matter from interfering with the bank card terminal key pad and card reading slot.
3. A bank card terminal cover according to Claim 1, including a handle on the top exterior to aid in removal of the top to access the key pad and card slot of said bank card terminal.
4. A bank card terminal cover according to Claim 1, wherein the top is transparent.
5. A bank card terminal cover according to Claim 1, including a shock absorbing seal affixed to the open bottom of the cover side walls to allow the cover to removably seal to the non-integral support surface.
6. A bank card terminal according to Claim 1, including a bottom sized to support and

fit around the bottom of a bank card terminal with structure operably associated with the cover to allow the cover to seal thereto in a first mode, and to open to provide access to the bank card terminal in a second mode.

7. A bank card terminal cover according to Claim 6, wherein the bottom [and] of the cover structure include corresponding hinge mounts to enable the cover to pivot open to expose the bank card terminal keys and card slot reader for use in a first mode, and to pivot closed in a second mode for storage of the bank card terminal.

8. A bank card terminal cover for bank card terminals mounted on a vertical non-integral support surface independent of the bank card terminals and cover, the terminals having card reading slots and keyboards pervious to liquids, grease, and dust comprising:

- a. a transparent rigid, crush resistant, liquid, dust, and grease impervious top with sidewalls defining an open bottom leading into an interior sized to fit about and cover the bank card terminal, said sidewalls extending sufficiently about the bank card terminal to contact the vertical non-integral support surface to elevate the top and side walls of the cover above and around the bank card terminal to protect the bank card terminal from contact with liquids, dust, grease, and falling objects by directing them away from the bank card terminal onto the separate vertical non-integral support surface independent of the bank card terminal, and defining at least one opening through which a terminal cord may be inserted and connected to the bank card terminal,
- b. opening structure associated with the top of the bank card terminal and terminal cover to provide access to the bank card terminal keyboard and card reading slot in a first mode, and to close about and secure the bank card terminal in a second mode, and
- c. a shock absorbing seal affixed to the edges of the cover sidewalls to seal with the vertical non-integral support surface.